

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

-----X
METRO FUEL LLC, a Delaware limited
liability company,

No. C07-6067 JSW

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal corporation,
COUNTY OF SAN FRANCISCO, a subdivision of the
State of California, CITY AND COUNTY OF SAN
FRANCISCO, a chartered California city and county.

Defendants.
-----X

DECLARATION OF CHARLES T. FETTERMAN

CHARLES T. FETTERMAN declares under penalty of perjury, pursuant to 28
U.S.C. § 1746, that the following is true and correct:

1. I submit this declaration in support of the motion by Plaintiff Metro Fuel
LLC for a preliminary injunction in this case.

2. I Charles T. Fetterman own the property located at 360th 5th Street in San
Francisco. Pursuant to a lease agreement between Metro Fuel and Charles T. Fetterman, Metro
Fuel has placed and operates four panel signs on the property.

3. On or about May 3, 2007 the City of San Francisco issued violation
#200702591 to Charles T. Fetterman alleging that Metro Fuel's panel signs are illegal and
purportedly imposing a fine of approximately \$18,000 stated to be the estimate of the value of
work performed without a permit per the Notice of Violation.

4. I notified Metro Fuel of this notice of violation and was informed that Metro Fuel had filed this lawsuit in federal court challenging the constitutionality of the advertising sign restrictions at issue. I informed Metro Fuel that I am very concerned about the notice of violation and the steep fines that the City claims are accruing. Metro Fuel explained that there was a court appearance in the federal court action on July 11, 2008, and that Metro Fuel asked the Court to issue an injunction barring the City from acting on the notice of violation during the pendency of the lawsuit.

There was a Director's Hearing held on September 6, 2007, Chief Inspector Kornfield continued the case and rescheduled the Director's Hearing until October 4, 2007 in order for Metro Fuel to obtain all communications relative to my property under the terms of the San Francisco Sunshine Ordinance. On October 4, 2007, there was a hearing and the case was transferred from the Building Department Code Enforcement Division to the City Planning Department. Further action of as the case was suspended and the case was continued until an unspecified time. Subsequently I received an Order of Abatement from the Department of Building Inspection on October 26, 2007 relative to Complaint 200702591 from Inspector Hinchion.

This violation and the compounding fines are not acceptable as we do not have the wherewithal in this economic market to be able to pay these fines for signs that generate monies which we rely upon on a monthly basis. I have contacted Metro Fuel and explained to them that I have a lease with them that is in full force and effect and that they are responsible for the payment of rent to me until the end of the lease term. Fuel indicated that they have attempted to obtain a permit in accordance with the violation request and that the City will not accept the

application. This makes no sense to me as there are many bus shelters and street newspaper stands that have signs in the same local area. I also told them that they need to pay all of these violation penalties immediately as I cannot risk having a lien filed on my property as it is my understanding that that would be the next step in the process and I am not willing to risk the title to my property by having a lien imposed against my property.

5. I met with Lisa Niedermeier and Ricardo Marques of Fuel and informed them that if this issue is not resolved shortly, I will have no choice but to remove the panel signs from my property, however they will still be responsible for the rent under the terms of the lease as I have not breached my lease with them. I understand that there is strong legal precedent supporting Metro Fuel's constitutional claim, but I cannot risk the possibility that the City's notice of violation will be upheld and that the fine of approximately \$18,000 will later be enforced. Unless the Court intervenes soon, I will be forced to remove the panel signs as I cannot afford to have compounding violations on my property. I feel strongly that this is an injustice to me as I have several buildings that are suitable for signs which could generate additional income for my company however I will not contemplate any future agreements until this situation is rectified with the City.

Copies of all of the above referenced documents are attached as Exhibit A.

Dated: July 11, 2008
San Francisco, California

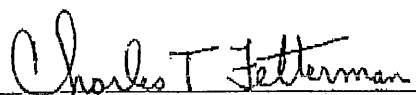

CHARLES T. FETTERMAN

Exhibit A



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

☐ FIRST NOTICE

☒ SECOND NOTICE

☐ OTHER:

COMPLAINT NUMBER

200702591

ADDRESS

360 5th St

DATE 6/18/07

OCCUPANCY / USE

B

BLOCK 3753 LOT 007

CONST. TYPE

3

STORIES 2 ☐ BASEMENT

☒ If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT

PHONE #

MAILING ADDRESS

CITY

ZIP

PERSON CONTACTED @ SITE

PHONE #

VIOLATION DESCRIPTION:

☒ WORK WITHOUT PERMIT (SFBC 106.1.1); ☐ ADDITIONAL WORK PERMIT REQUIRED (SFBC 106.4.7);

☐ EXPIRED PERMIT (SFBC 106.4.4); ☐ CANCELLED PERMIT (SFBC 106.3.7) PA# _____;

☐ UNSAFE BUILDING (SFBC 102); ☐ SEE ATTACHMENTS CODE / SECTION #

YOU FAILED TO COMPLY WITH NOTICE OF VIOLATION DATED 5/3/07 THEREFORE THIS DEPARTMENT HAS INITIATED ABATEMENT PROCEEDINGS AGAINST THE PROPERTY

106.1.1

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

☐ FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (☐ WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

☐ OBTAIN PERMIT WITHIN _____ DAYS AND COMPLETE ALL WORK WITHIN _____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

☐ CORRECT VIOLATIONS WITHIN _____ DAYS. ☐ NO PERMIT REQUIRED.

☒ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 5/3/07, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS

☐ FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

YOU WILL BE NOTIFIED OF TIME DATE & PLACE OF DISCIPLINARY HEARING BY CODE ENFORCEMENT DIVISION

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

☐ 9x Fee (Work w/o Permit after 9/1/60)

☐ 2x Fee (Work Exceeding Scope of Permit)

☐ Other ☐ Reinspection Fee \$ ☐ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT: _____ VALUE OF WORK PERFORMED WITHOUT PERMITS: _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR CED

(Inspector — Print Name)

OFFICE HOURS _____ TO _____ AM AND _____ TO _____ PM

PHONE # 558-6454

By: (Inspector's Signature) Daniel Duffin DISTRICT # _____

CC: ☐ DCP ☐ EID ☐ PID ☐ BID ☐ HIS ☐ CED ☐ CPC ☐ DAD ☐ SFFD ☐ DPH ☐ RPC

☐ Building Inspection Division 3rd Floor, 1660 Mission St. 558-609
☐ Housing Inspection Services 6th Floor, 1660 Mission St. 558-622
☐ Electrical Inspection Division 3rd Floor, 1660 Mission St. 558-603
☐ Plumbing Inspection Division 8th Floor, 1660 Mission St. 558-605
☒ Code Enforcement Division 3rd Floor, 1660 Mission St. 558-645



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 • 2414

ADDRESS 360 5th St

OCCUPANCY / USE B

CONST. TYPE 3

☐ If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

MAILING ADDRESS _____

PERSON CONTACTED @ SITE _____

- ☒ FIRST NOTICE
☐ SECOND NOTICE
☐ OTHER: _____

COMPLAINT NUMBER

200702591

DATE 5/3/07

BLOCK 3553 LOT 007

STORIES 2 ☐ BASEMENT

PHONE # _____

CITY _____ ZIP _____

PHONE # _____

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT (SFBC 106.1.1);	<input type="checkbox"/> ADDITIONAL WORK PERMIT REQUIRED (SFBC 106.4.7);
<input type="checkbox"/> EXPIRED PERMIT (SFBC 106.4.4);	<input type="checkbox"/> CANCELLED PERMIT (SFBC 106.3.7) PA# _____;
<input type="checkbox"/> UNSAFE BUILDING (SFBC 102);	<input type="checkbox"/> SEE ATTACHMENTS
SIGN ERGON AT FRONT OF BUILDING	
AT 354-360 5th St Window	
BUILDING PERMIT SIGN IS DOUBLE	
FACED APPROX 6 FT TALL 4 FT WIDE	
CODE / SECTION # <u>106.1.1</u>	

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

☒ FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

☒ OBTAIN PERMIT WITHIN 05 DAYS AND COMPLETE ALL WORK WITHIN 70 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

☐ CORRECT VIOLATIONS WITHIN _____ DAYS. ☐ NO PERMIT REQUIRED.

☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

☒ FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

OBTAIN BUILDING PERMIT WITH PLANNING
DEPARTMENT APPROVAL FOR SIGN IN SECTION
WITHOUT PERMIT

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

☒ 1x Fee (Work w/o Permit after 9/1/60) ☐ 2x Fee (Work Exceeding Scope of Permit)
☐ Other _____ ☐ Reinspection Fee \$ _____ ☐ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT APRIL 2007 VALUE OF WORK PERFORMED WITHOUT PERMITS \$2000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 558-6120

By: (Inspector's Signature) Donald Duffy DISTRICT # _____

CC: ☐ DCP ☐ EID ☐ PID ☐ BID ☐ HIS ☐ CED ☐ CPC ☐ DAD ☐ SFFD ☐ DPH ☐ RPC

☒ Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096

☐ Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220

☐ Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030

☐ Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054

☐ Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
 3660 Mission Street, San Francisco, California 94103-2414

Address 360 5th ST -

IMPORTANT NOTICE

The attached Notice of Director's Hearing, pertaining to the property noted above, requests the presence of the property owner, their representatives or interested parties at a hearing to determine why the violations cited against the property have not been corrected and to assess penalties for lack of compliance.

If the violations have been corrected, first contact the district building, electrical or plumbing inspector to verify that they agree that the violations have been corrected. Correction of the violations may involve sign-off of permits and additional inspections. If the inspectors agree that the violations have been corrected, request that they contact the Code Enforcement Division and advise us that the complaint has been abated. If the related permit has been given final sign-off please provide the Code Enforcement Division with a copy of the Inspection Record/Job Card.

If the violations have not been corrected or will not be fully corrected prior to the hearing date, penalties will be assessed that include but are not limited to;

An ORDER OF ABATEMENT will be recorded as a lien against the deed of the property giving notice that the building is UNSAFE, and/or a PUBLIC NUISANCE and ordering that the violations be corrected within a definite time limit in order to avoid additional penalties.

The PROPERTY OWNER WILL BE BILLED for the entire cost incurred by the Department of Building Inspection for code enforcement process, from the posting of the first "WARNING of VIOLATION" until the conclusion of the abatement process.

A one time hearing continuance of thirty (30) days may be granted, for good cause only, if requested in writing prior to the hearing. Submit this request to the Code Enforcement Division on the 3rd floor at 1660 Mission St.

If you have further questions regarding the code enforcement process concerning this property, or if you wish to update the status of this complaint, contact:

Inspector JOHN HENCHION

Division CEB

Telephone # 558-6012

Date 8/10/07

DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, San Francisco, CA 94103-2414

August 20, 2007

Owner: FETTERMAN, CHARLES T & LESL
325 COREY WY 107
S SAN FRANCISCO CA
94080

Address: 360 06TH ST,
Block: 3753 Lot: 007 Seq: 01
Tract: Case: BWO
Hearing Number: 200702591
Inspector: Hinchion

NOTICE OF DIRECTOR'S HEARING

Date and Time of Hearing: September 06, 2007
At 1660 Mission Street, Room 2001, San Francisco, CA 94103 AT 9:30 a.m.

TO OWNER(S), LESSEE(S), TENANT(S) AND OTHER PERSONS OF INTEREST:

In accordance with provisions of the San Francisco Building Code, the described premises were inspected and violation(s) were found to exist. The list of violation(s) have been mailed to the Owner(s) of Record or agent(s) and compliance has not occurred. Therefore, the Director of the Department of Building Inspection has probable cause to believe the building, structure or a portion thereof is an unsafe building or property.

Failure to comply with the decision of the Director may result in the revocation of the Permit of Occupancy and/or Certificate of Occupancy of the subject premises.

The Owner(s) of Record or the duly authorized representative is notified to appear at the Hearing to be held on the date shown above, at which time the Director of the Department of Building Inspection will consider the violation(s) and that the building is unsafe and a public nuisance.

WARNING

Failure to comply with this request will result in further abatement proceedings. If an Order of Abatement is issued from the Director's Hearing, you will be billed for the entire cost incurred in the code enforcement process, from the posting of the first "Warning of Violation" until the matter is resolved per San Francisco Building Code Sections 102.2, 110 Table 1-G & 110 Table 1-K.

The Owner(s) of Record is instructed to notify the holder(s) of any Mortgage(s) or Deed(s) of Trust secured by this property of these proceedings. Also, the Department of Building Inspection shall be advised of the name(s) of holder(s) of any Mortgage(s) or Deed(s) of Trust on this property.

BY ORDER OF THE DIRECTOR OF DEPARTMENT OF BUILDING INSPECTION.

Very truly yours,



Isam Hasenin, P.E., C.B.O.
Director / Department of Building Inspection

Peninsula Bank of Commerce
C/O Greater Bay Municipal
5050 Old Ironsides Drive
Sausalito, CA 94965

NOTICE OF VIOLATION

of the San Francisco Municipal Code Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy



DEPARTMENT OF BUILDING INSPECTION

NOTICE: 1

NUMBER: 200702591

DATE: 03-MAY-07

City and County of San Francisco
1660 Mission St, San Francisco, CA 94103

ADDRESS: 360 05TH ST

OCCUPANCY/USE: B (B-2)OFC,FOOD SVC,ET

BLOCK: 3753 LOT: 007

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

PHONE #: --

OWNER/AGENT: FETTERMAN, CHARLES T & LESLEY

MAILING: FETTERMAN, CHARLES T & LESL

ADDRESS: 325 COREY WY 107
S SAN FRANCISCO CA

94080

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

☒ WORK WITHOUT PERMIT

106.1.1

☐ ADDITIONAL WORK PERMIT REQUIRED

106.4.7

☐ EXPIRED OR ☐ CANCELLED PERMIT PAR:

106.4.4

☐ UNSAFE BUILDING ☐ SEE ATTACHMENTS

102.1

SIGN ERECTED AT FRONT OF BUILDING AT 354 5TH ST WITHOUT BUILDING PERMIT, SIGN IS DOUBLE FACED
APPROX 6FT TALL 4FT WIDE.

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

415-558-6120

☒ FILE BUILDING PERMIT WITHIN 30 DAYS

☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION
SIGN-OFF.

☐ CORRECT VIOLATIONS WITHIN DAYS.

☐ NO PERMIT REQUIRED

☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

• FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

OBTAIN BUILDING PERMIT WITH PLANNING DEPARTMENT APPROVAL FOR SIGN INSTALLED WITHOUT PERMIT.
INVESTIGATION FEE OR OTHER FEE WILL APPLY

☒ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ NO PENALTY

☐ OTHER:

☐ REINSPECTION FEE \$

(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$2000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy

PHONE # 415-558-6120

DIVISION: BID

DISTRICT:

By: (Inspector's Signature) _____

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 2

NUMBER: 200702591

DATE: 18-JUN-07

City and County of San Francisco

1660 Mission St. San Francisco, CA 94103

ADDRESS: 360 05TH ST

OCCUPANCY/USE: B ((B-2))OFC.FOOD SVC.ETD

BLOCK: 3753 LOT: 007

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

PHONE #: --

OWNER/AGENT: FETTERMAN, CHARLES T & LESLEY

MAILING: FETTERMAN, CHARLES T & LESL

ADDRESS: 325 COREY WY 107
S SAN FRANCISCO CA

94080

PERSON CONTACTED @ SITE: FETTERMAN, CHARLES T & LESLEY

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

☒ WORK WITHOUT PERMIT

106.1.1

☐ ADDITIONAL WORK-PERMIT REQUIRED

106.4.7

☐ EXPIRED OR ☐ CANCELLED PERMIT PAS:

106.4.7

☐ UNSAFE BUILDING ☐ SEE ATTACHMENTS

102.1

YOU FAILED TO COMPLY WITH NOTICE OF VIOLATION DATED 5/3/07 THEREFORE THIS DEPARTMENT HAS INITIATED ABATEMENT PROCEEDINGS AGAINST THE PROPERTY.

CORRECTIVE ACTION:☐ STOP ALL WORK SFBC 104.2.4

415-558-6120

☐ FILE BUILDING PERMIT WITHIN DAYS☐ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application☐ OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.☐ CORRECT VIOLATIONS WITHIN DAYS. ☐ NO PERMIT REQUIRED☒ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 03-MAY-07, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDING

• FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

YOU WILL BE NOTIFIED OF TIME, DATE AND PLACE OF DIRECTORS HEARING BY CODE ENFORCEMENT DIVISION.
INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ 9% FEE (WORK W/O PERMIT AFTER 9/1/00) ☐ 2% FEE (WORK EXCEEDING SCOPE OF PERMIT)☐ OTHER:☐ REINSPECTION FEE \$☐ NO PENALTY
(WORK W/O PERMIT PRIOR TO 9/1/00)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Dennis J Duffy

PHONE # 415-558-6120

DIVISION: BID

DISTRICT:

By: (Inspector's Signature) _____



SAN FRANCISCO PLANNING DEPARTMENT

October 18, 2007

FETTERMAN, CHARLES T & LESLIE
325 COREY WAY 107
S SAN FRANCISCO CA
94080

Re: General Advertising Sign(s)
Assessor's Block 3753 Lot 007

On August 16, 2006, a letter was sent to all known owners/operators of general advertising signs within the City and County of San Francisco. This letter requested a complete inventory of all such signs within San Francisco, along with processing fees, be submitted to the Planning Department no later than October 23, 2006. This request was made pursuant to Ordinances 140-06 and 200-06.

You are receiving this notice because you have been identified as the owner of the above-referenced property within the City & County of San Francisco which contains at least one general advertising sign, AND you and/or the owner/operator of the sign failed to provide inventory information about the sign(s).

Ordinance 140-06 establishes Planning Code Section 604.2, General Advertising Sign Inventories. Per Section 604.2(a):

Within 60 days of the effective date of this Section, any general advertising sign company that owns a general advertising sign in the City shall submit to the Department a current, accurate, and complete inventory of its general advertising signs together with the inventory processing fee.

Ordinance 200-06 establishes Planning Code Section 358, General Advertising Sign Fees. Per Section 358(b):

The fee for the initial inventory processing pursuant to Section 604.2 shall be \$560 per sign . . .

The inventory must be paid in full when submitted to the Planning Department. Please make all checks payable to the "San Francisco Planning Department."

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Inventory Request
October 18, 2007

You must respond to this notice no later than 5:00 p.m. on November 19, 2007. If the Planning Department determines your inventory is incomplete or inaccurate, or if the inventory is submitted after the due date, you will be subject to penalties outlined in Planning Code Section 604.1(g). If you fail to respond, a Notice of Violation will be issued pursuant to Planning Code Section 610.

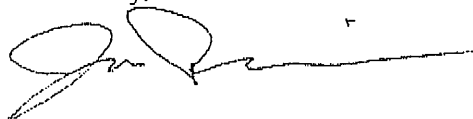
The inventory must include specific information about the characteristics and history of the sign(s), photographs, a map of all signs you own or operate in the City and an affidavit attesting to the validity of the submitted materials. To assist you in submitting a complete and accurate inventory, the Planning Department has developed a comprehensive spreadsheet to be used as the basis for all submittals. This spreadsheet, along with detailed instructions, an affidavit and the enacting legislation, can be found on our website (www.sfgov.org/planning). Please select "General Advertising Sign Inventory" under the "Publications & Reports" heading. The completed inventory, including spreadsheet, map and all relevant files, should be submitted to the Planning Department's Sign Inventory Program on a CD-ROM or DVD if possible.

Please submit all required materials and payment (by mail or by hand) to:

Sign Inventory Program
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

If you have any questions regarding this notice, please contact me at (415) 558-6354, or via email at jonathan.purvis@sfgov.org.

Sincerely,



Jonathan Purvis
Coordinator,
General Advertising Sign Inventory Program



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

COMPLAINT NUMBER

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

ADDRESS 360 5th StOCCUPANCY / USE BCONST. TYPE 3

☐ If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

MAILING ADDRESS _____

PERSON CONTACTED @ SITE _____

- ☒ FIRST NOTICE
☐ SECOND NOTICE
☐ OTHER: _____

200702091

DATE 5/3/07BLOCK 3553 LOT 007STORIES 2 ☐ BASEMENT

PHONE # _____

CITY _____

ZIP _____

PHONE # _____

VIOLATION DESCRIPTION:

☒ WORK WITHOUT PERMIT (SFBC 106.1.1); ☐ ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);

☐ EXPIRED PERMIT (SFBC 106.4.4); ☐ CANCELLED PERMIT (SFBC 106.3.7) PA# _____

☐ UNSAFE BUILDING (SFBC 102); ☐ SEE ATTACHMENTS

UN ERECTED AC FRONT OF BUILDING
AC 354. 360 5th St WITHOUT
BUILDING PERMIT SIGN IS DOUBLE
FACED APPROX 6 FT TALL 4 FT WIDE

CODE / SECTION #

106 11

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

☒ FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS ☒ WITH PLANS A Copy of This Notice Must Accompany the Permit Application.

☒ OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

☐ CORRECT VIOLATIONS WITHIN _____ DAYS. ☐ NO PERMIT REQUIRED.

☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

☒ FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

OBTAIN BUILDING PERMIT WITH PLANNING
DEPARTMENT APPROVAL FOR SIGN IN STALL
WITHOUT PERMIT

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

☒ 1x Fee (Work w/o Permit after 9/1/60)

☐ 2x Fee (Work Exceeding Scope of Permit)

☐ Reinspection Fee \$ _____

☐ No penalty (Work w/o permit prior to 9/1/60)

☐ Other _____

APPROX DATE OF WORK W/O PERMIT APRIL 2007 VALUE OF WORK PERFORMED WITHOUT PERMITS \$2000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR 170664 (Inspector - Print Name)OFFICE HOURS 7:30 TO 8:30 AM AND 4 PMPHONE # 558 6122By: (Inspector's Signature) Donal Duffy DISTRICT # _____CC: ☐ DCP ☐ EID ☐ PID ☐ BID ☐ HIS ☐ CED ☐ CPC ☐ DAD ☐ SFFD ☐ DPH ☐ RPC

☒ Building Inspection Division
3rd Floor, 1660 Mission St. 558-6086

☐ Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220

☐ Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030

☐ Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054

☐ Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor. 554-6720

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed for the property will be billed for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 102.2 & 110

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after Six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(c) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of, any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, teléfono 554-6720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de Inconformidad, seguida por una multa de \$200 por cada segunda infracción de Inconformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rápidamente y continuamente acusado después de seis (6) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehusa cumplir, resista o se opona a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

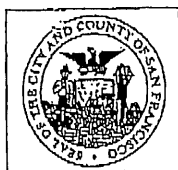
根據《三藩市建築法典》(簡稱 SFBC) 第 107.5 項和第 106.4.7 項條款之規定，對於有許可證但已開始的工程和或正在進行的工程，或若超越許可範圍的工程，將收取調查費。當事人可以在許可證發出之日起 15 天之內，將此費可以向許可上訴委員會提出上訴。該委員會地址在 Stevenson 街 875 號 4 樓，電話：554-6720。

警告：如果不按照要求立即採取行動，以糾正上述違規行為，前請速速與建築局付諸罰款和正秩序的執行。倘對此房地產頒發的強制糾正程序令一經在市府備案，則自該通知頒發之日起至該項糾正程序令有兩項費用，將向房地產主索取，並將房地產抵押，直至付清各項費用。請參閱《三藩市建築法典》第 102.2 項和第 110 項條款。

警告：《三藩市建築法典》(即 SFBC) 第 204(c) 項條款規定：對每一項初犯者立即將罰款 100 元，二次重犯者罰款 200 元，連續違章的嚴重罰款可達 7,500 元。此項法例還規定對每一項違章者均可提出刑事控告，每日最高罰款可達 1,000 元，或/或對監禁六個月。

警告：任何人若出租房屋獲得收入，而該房屋已被建築局判定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築物有關的折舊或稅款中扣除稅款。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速行動地糾正進行，我們將根據《稅收與稅收法典》(即 Revenue & Taxation Code) 第 1264(c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法典》第 103 項條款規定：對於任何違反、不順從、疏忽、忽視、或拒絕遵照此法典者，或者抵制、反對實施此法典中的任何條款的個人，將付最高 500 元的民事罰款。此法例還規定對該法典，如果該違章，對每天所發生的每一單獨的犯法行為，將付最高 500 元的罰款，和/或者監禁六個月。



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

October 26, 2007

FETTERMAN, CHARLES T & LESL
325 COREY WY 107
S SAN FRANCISCO, CA 94080

Property Address: 360 5TH Street

Block: 3753 Lot: 007 Seq: 01

Complaint No.: 200702591

Director's Order No.: 102563-A

INITIAL BILL- Assessment of Costs
Code Enforcement Section

Dear Property Owner(s):

Our records show that all required work was not completed PRIOR TO THE DIRECTOR'S HEARING AND RECORDATION OF THE ORDER OF ABATEMENT ON THE TITLE OF THIS PROPERTY. THIS RESULTED IN THE ACCRUAL OF ASSESSMENT OF COSTS@ pursuant to Sections 102.2 & 102.16 of the San Francisco Building Code. These code sections require that this Department's a cost of preparation for and appearance at the hearing, and all prior and subsequent attendant costs shall be assessed upon the property owner..."

The Assessment of Cost AMOUNT accrued to date NOW DUE AND PAYABLE is: \$437.80

Payment must be by Cashier's Check or money order & must be accompanied by this original letter.

Make all checks payable to The Department of Building Inspection.
Mailed payments can be sent to:

Assessment of Costs Payment
Department of Building Inspection
Code Enforcement Section
1650 Mission Street, Room 312C
San Francisco, CA 94103

TO AVOID HAVING A LIEN RECORDED UPON YOUR PROPERTY AND LEVIED ON YOUR NEXT PROPERTY TAX BILL, it is necessary for you to render payment immediately.

Note: The Order of Abatement cannot be removed from the title nor can the complaint against this property be abated, until appropriate permits are issued, inspections are performed to verify correction of violations, final inspection approvals are granted and further accrued Assessments of Costs are paid.

All violations must be abated AS SOON AS POSSIBLE TO AVOID OR MINIMIZE ADDITIONAL COSTS & PENALTIES. All additional time accrued from this billing to the final abatement of your case will be sent to you in a separate and final assessment of costs bill.

Contact the Code Enforcement Division at (415) 558-6454 should you have any questions concerning this matter.

Your prompt cooperation on this matter is appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Neil Friedman".
Neil Friedman
Acting Chief Building Inspector
Code Enforcement Section

NF/gjh



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, San Francisco, CA 94103-2414

October 26, 2007

ORDER OF ABATEMENT

Owner:

**FETTERMAN, CHARLES T & LESL
325 COREY WY 107
S SAN FRANCISCO CA
94080**

Property Address: 360 05TH ST,

**Block: 3753 Lot: 007 Seq: 01
Tract: Case: BWO
Complaint: 200702591**

Inspector: Hinchion

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 102563-A
HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION
AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **October 4, 2007**
IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS
CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. THE OWNER WAS REPRESENTED.

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES
AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

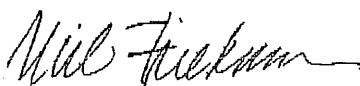
THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

(1) 30 DAYS TO FILE PERMIT APPLICATION TO LEGALIZE OR REMOVE SIGN AT FRONT OF BUILDING (2) COMPLY WITH PLAN REVIEW COMMENTS AND TIME LIMITS (3) 10 DAYS TO PICK UP APPROVED PERMIT (4) 30 DAYS TO COMPLETE ALL WORK INCLUDING FINAL INSPECTION APPROVAL

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.


APPEAL: PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN TEN (10) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

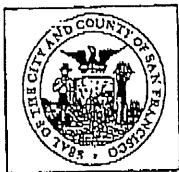
RECOMMENDED BY:


Neil Friedman
Acting Chief of Building
Inspection

Phone No. (415) 558-6096

APPROVED BY:


Isam Hasehin, P.E., C.B.O.
Director / Department of Building
Inspection
Fax No. (415) 558-6474



DEPARTMENT OF BUILDING INSPECTION

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October 26, 2007

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